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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,741	11/14/2002	Richard Hugh Fleming	014033-000003	7513
24239	7590	06/02/2006	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/065,741	<b>Applicant(s)</b> FLEMING ET AL.	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. **Claims 1-34** have been examined.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 10-18** are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

4. **Claims 10-18** are directed **to a computer program/instructions** for creating role based access profiles for a plurality of related computer resources. The examiner asserts that the limitation of the claims is related **to computer program/instructions** and does not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. . See MPEP § 2106 IV. B. 1(a).

### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-34** are rejected under 35 U.S.C. 102(e) as being anticipated by **Shohat** (hereinafter referred to as **Shohat**) (U.S. Publication No. 2002/0144142).

7. **As per claim 1, 10,19 and 23, Shohat discloses a method of creating a role based access profile for a plurality of related computer resources,** [paragraph 0001, the first 3 lines] (As explained on paragraph 0001, the first three lines, the present invention relates to a process for the automated creation of roles for a role-based access control system of an enterprise and as explained on paragraph 0027, the last three lines, it has been indicated that the computer is part of a network of at least two computers and that the data storage and the mining of the data takes place on at least two different computers.) **the method comprising:**

**Accessing a list of associates for potential use in modeling potential access rights for a role;**[ paragraph 0027, the first 3 lines and Paragraph 0025-0026] **(As explained on paragraph 0027, last 3 lines,** The process according to the present invention is started by accessing/loading at least the relevant, existing security data from the base into a computer. And as explained on paragraph 0024-0026, the relevant existing security data must at least comprise the status quo of the existing access rights of each IT-User of the enterprise and this existing access rights of each IT-User of the enterprise meets the limitation of accessing the list of associates for potential use in modeling potential access rights for the role; i.e. access to computers, networks, databases hardware, software and/or transaction authorizations.

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Preferably, the security data additionally comprises: organizational data for example the position of a person in the enterprise; i.e. the company, the division and/or the location the person works and/or functional data for example in which projects a certain person is involved and/or job descriptions)

**Receiving a user selection of model associates from the list of associates; [**

Paragraph 0028, the last 3 lines and paragraph 0040, lines 5-7] (For this embodiment, statistical thresholds have to be provided to the inventive process so that discovered similarities can be converted into role attributes and as disclosed on paragraph 0040, lines 5-7, the statistical process of the data mining step requires the existing security data and in this case statistical parameters such as **thresholds as input.**)

**Evaluating existing membership of the model associates in access groups related**

**to the plurality of related computer resources;**[Paragraph, 0020, 0024-0026 and paragraph 0027, the last three lines] (Mining the loaded data to find similarities meet

the limitation of evaluating the existing membership of model associates and this will allow the creation of organizational roles and/or functional roles as explained on paragraph 0020 and paragraph 0024-0026 and paragraph 0027, the last three lines.)

**and Producing the access profile based on the existing membership of the model associates in the access groups, the access profile corresponding to the**

**role.[paragraph 0021 & paragraph 0031-0033]** (Based on the outcome of the mining step/evaluating step as explained on paragraph 0021 & paragraph 0031-0033 and abstract, a role based access profile based on the existing membership of the model associates in the access groups is produced)

8. **As per claims 2, Shohat discloses a method of creating a role based access profile as applied to claims above furthermore Shohat discloses the method wherein the evaluating of the existing membership of the model associates further comprises**

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**determining whether commonality of membership in an access group at least meets a specific threshold value.** [Paragraph 0028, the last 3 lines] (For this embodiment, statistical thresholds have to be provided to the inventive process so that discovered similarities can be converted into role attributes.)

9. **As per claims 3-9, 11-18, 20, 27-34 Shohat discloses a method of creating a role based access profile as applied to claims above furthermore Shohat discloses the method wherein the specific threshold value is received as user input.** [Paragraph 0028, the last 3 lines and paragraph 0040, lines 5-7 and paragraph 0039] (For this embodiment, statistical thresholds have to be provided to the inventive process so that discovered similarities can be converted into role attributes and as explained on paragraph 0040, as shown on figure 2, the mining is illustrated. The security data according to FIG. 1 is loaded into the computer. The computer examines the security data for similarities and tries to group as many of the security data as possible to a minimum number of roles. The statistical process of the data mining step requires the existing security data and in this case **statistical parameters such as thresholds as input.**)

10. **As per claims 21-22 Shohat discloses apparatus as applied to claims above furthermore Shohat discloses the apparatus further comprising means for implementing the role based on the access profile.** [Abstract and paragraph 0001, the first 3 lines] (As explained on paragraph 0001, the first three lines, the present invention relates to a process for the automated creation of roles for a role-based access control system of an enterprise.)

11. **As per claims 24-25 Shohat discloses the system as applied to claims above furthermore Shohat discloses the system further comprising a network connection for updating the database.** [Paragraph 0027, the last 3 lines] (It has been indicated that the computer can also be part of a network of at least two computers and that the data storage and the mining of the data takes place on at least two different computers.)

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**12. As per claims 26 Shohat discloses the system as applied to claims above furthermore Shohat discloses the system wherein the database further comprises hierarchy information.** [Paragraph 0039]

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

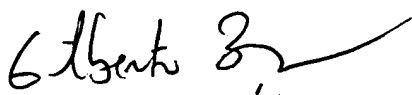
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

**S.L.  
05/20/2006**

  
**GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**